

Order

Michigan Supreme Court
Lansing, Michigan

September 28, 2007

Clifford W. Taylor,
Chief Justice

132710(24)

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

SUSAN TKACHIK, Successor Personal
Representative of the Estate of JANET
ELAINE MANDEVILLE, Deceased,
Plaintiff-Appellant,

v

SC: 132710
COA: 270253
Macomb CC: 03-178658-CZ

FRANK MANDEVILLE, JR.,
Defendant-Appellee.

On order of the Court, the motion for reconsideration of this Court's March 26, 2007 order is considered, and it is GRANTED. We VACATE our order dated March 26, 2007. On reconsideration, the application for leave to appeal the November 16, 2006 order of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals for consideration, as on leave granted, of the legal question whether a contribution claim against the defendant, based on an unjust enrichment theory, is appropriate under the facts of the case. See, e.g., *Crawford v Crawford*, 443 A2d 599 (Md, 1982); *Turner v Turner*, 809 A2d 18 (Md App, 2002); and *Cagan v Cagan*, 291 NYS2d 211 (NY Sup Ct, 1968).

We do not retain jurisdiction.



d0925

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 28, 2007

Corbin R. Davis

Clerk